



State of California
Respiratory Care Board
444 North 3rd Street, Suite 270
Sacramento, CA 95814
Telephone (916) 323-9983
Fax (916) 323-9999
www.rcb.ca.gov



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Inquiry: The hospital that I work for is trying to decrease the cost of wages in the Cardio-Pulmonary Department. The administration wants to have nurses give hand-held nebulizer treatments at night so that the RCPs would only be delivering care during the hours of 7:00 a.m. to 7:30 a.m. My questions are: (1) Can nurses legally give hand-held nebulizer treatments to patients? (2) What are the legal implications for RCPs training nurses to give hand-held nebulizer treatments? (3) If something were to happen to the patient as far as adverse reactions from a Tx that was not done correctly by a nurse, would the liability come back on the RCP?

Response: In response to your inquiry regarding the administration of hand-held nebulizer therapy by nursing personnel, the Respiratory Care Practice Act (RCPA) provides for and recognizes overlapping functions of appropriately trained and licensed persons to engage in the practice of respiratory care. The respective nurse's licensing boards establishes the scope of authorized practice for licensed nurses. The question of whether these, or any other, procedures are within a particular scope of practice should be submitted to the respective licensing board.

In reference to your inquiry regarding the legal implications of an RCP training nurses to administer hand-held nebulizer therapy, please be advised that this inquiry is made regarding professional liability of a licensed respiratory care practitioner arising from activities related to training nurses in a specific modality. The RCB does not offer legal advice with respect to professional liability and advises that any such inquiries be directed to competent legal counsel.

In response to your inquiry regarding the RCP's liability for incorrect administration of hand-held nebulizer therapy administered by nurses, be advised that this inquiry is made regarding professional liability of a licensed respiratory care practitioner arising from the actions of nurses trained in a specific modality. The RCB does not offer legal advice with respect to professional liability and advises that any such inquiries be directed to competent legal counsel.

Reference # 2000-C-34